

JPD-78
Ct No.01
30.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 369 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 193 of 2023 dated 20.03.2023 under Sections 21(c)/22(c) of the NDPS Act.

And

In the matter of: **Bibek Shaw**

.... petitioner

Mr. Joydeep Kanta Bhowmik
Mr. Hasanur Rahaman

... for the petitioner

Mr. Ujjwal Luksom
Mr. Dhiman Sil

... for the State

1. Learned counsel for the petitioner contends that the petitioner is in custody for 499 days.
2. There was a lapse of three months and eight days between the chemical laboratory receiving the sample and issuing the report, which is in violation of Rule 14 of the NDPS Rules, 2022.
3. Learned counsel for the State seriously opposes the prayer for bail.
4. However, in view of the long period of custody and the gross contravention of Rule 14 of the 2022 Rules, we observe that the rigours of Section 37 of the NDPS Act are considerably diluted.
5. Keeping in view such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, CRM (NDPS) 369 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of Learned Additional Session Judge, Second Court, Judge Special Court-in-Charge (under NDPS Act), Siliguri.
7. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
8. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)